

REMARKS

The Office Action dated December 19, 2009 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 5, 25-26, 31, 34, 38, 54, 58, and 62 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Support for the amendment may be found in the specification, for example, at paragraphs 0027, 0033-0034, and 0060; and in the drawings, for example, at Figure 1. No new matter has been added. Therefore, claims 1-12, 14, 20-23, 25-26, 31, and 34-62 are currently pending in the application and are respectfully submitted for consideration.

Claim Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-12, 20-23, 25-26, 31, 34-46, 51, 53-55, 57-59, and 61-62 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Widegren (U.S. Patent No. 6,621,793) in view of Sevanto (PCT Patent Publication No. WO 00/78080) ("Sevanto"). The Office Action took the position that Widegren discloses all the elements of the claims with the exception of certain elements. The Office Action then cited Sevanto as allegedly curing the deficiencies of Widegren. Applicants respectfully submit that said claims recite allowable subject matter for at least the following reasons.

As a threshold matter, Applicants respectfully submit that the Office Action incorrectly reproduces the wording of some parts of the independent claims. For

example, page 2 of the Office Action refers to part of claim 1 as “determining a type of a service is provided to be provided associated with the access network,” whereas claim 1 recites “determining a type of an access network via which a service is to be provided.” Applicants respectfully request that any future correspondence correctly address the subject matter of the present claims.

Claim 1, upon which claims 2-12, 14, 20-23, 48, and 50-51 are dependent, recites a method, which includes determining a type of an access network via which a service is to be provided to a user equipment. The method further includes enforcing at a gateway in the provisioning of the service via the access network a traffic flow control policy decided on the basis of information regarding the type of the access network. The access network is located between the user equipment and the gateway.

Claim 25 recites a computer program embodied on a computer readable medium, the computer program configured to control a processor to decide a traffic flow control policy for controlling communications in a communication system, including determining a type of an access network via which a service is to be provided to a user equipment, and enforcing at a gateway in the provisioning of the service via the access network a traffic flow control policy decided on the basis of information regarding the type of the access network. The access network is located between the user equipment and the gateway.

Claim 26 recites a communication system, which includes different access networks, and a gateway configured to communicate with entities associated with the different access networks. The system further includes an access network type

determination processor configured to determine a type of an access network of the different access networks via which a service is to be provided to a user equipment, and a decision making processor configured to decide a traffic flow control policy to apply to communications via the gateway based on information of the type of the access network. The communication system is configured to control communications based on decisions by the decision making processor, and the access networks are located between the user equipment and the gateway.

Claim 31, upon which claims 35-47, 49, and 52-53 are dependent, recites an apparatus, which includes an access network type determining processor configured to determine a type of an access network via which a service is to be provided to a user equipment. The apparatus further includes an enforcing processor configured to enforce at a gateway in the provisioning of the service via the access network a traffic flow control policy decided on the basis of information of the type of the access network. The access network is located between the user equipment and the gateway.

Claim 34 recites an apparatus, which includes access network type determining means for determining a type of an access network via which a service is to be provided to a user equipment. The apparatus further includes enforcing means for enforcing at a gateway in the provisioning of the service via the access network a traffic flow control policy decided on the basis of information regarding the type of the access network. The access network is located between the user equipment and the gateway.

Claim 54, upon which claims 55-57 are dependent, recites a method, which includes making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided to a user equipment. The method further includes sending to a gateway from the policy control entity a message indicating the traffic flow control policy decision. The access network is located between the user equipment and the gateway.

Claim 58, upon which claims 59-61 are dependent, recites an apparatus, which includes a decision making processor configured to make at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided to a user equipment. The apparatus further includes a transmitter configured to send to a gateway from the policy control entity a message indicating the traffic flow control policy decision wherein the access network is located between the user equipment and the gateway.

Claim 62 recites an apparatus, which includes decision making means for making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided to a user equipment. The apparatus further includes sending means for sending to a gateway from the policy control entity a message indicating the traffic flow control policy decision. The access network is located between the user equipment and the gateway.

As will be discussed below, the combination of Widegren and Sevanto fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above.

Widegren discusses a method of filtering and gating data flow in a QoS connection between a remote host and user equipment in a packet data network using policy control mechanisms which includes a remote host initiating an application in an application server and a corresponding session between the remote host and the user equipment ("UE") via the application server. The UE requests, to a gateway support node ("GGSN") of the network, establishment of a network bearer service between the UE and the remote host. A corresponding policy control function ("PCF") in a policy server receives, from the application server, filtering data derived from session data received by the application server during the session. The GGSN interrogates the corresponding PCF in the policy server to initialize a gate using policy control filtering data to the GGSN. The gate then filters the data flow in the QoS connection according to the policy control filtering data. (See Widegren at Abstract).

Sevanto discusses a method and an arrangement for indicating the specific use of a packet-switched communication connection between a mobile station and a fixed packet-switched data transmission network. The activation of a new packet-switched communication connection involves the step of transmitting an activation request message with a service type indicator field for which a set of service type indicator values have been defined. An additional step is performed for transmitting within the activation

request message an indicator values indicating the specific use, in more detail than the service type indicator values, of the packet-switched communication connection, the activation of which is requested with the activation request message. (See Sevanto at Abstract).

Applicants respectfully submit that Widegren and Sevanto, whether considered individually or in combination, fail to disclose, teach, or suggest, all of the elements of the present claims. For example, the combination of Widegren and Sevanto fails to disclose, teach, or suggest, at least, *“enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network, wherein said access network is located between the user equipment and the gateway,”* as recited in independent claim 1, and similarly recited in independent claims 25, 31, and 34; *“a decision making processor configured to decide a traffic flow control policy to apply to communications via the gateway based on information of the type of the access network, wherein ... said access networks are located between the user equipment and the gateway,”* as recited in independent claim 26; and *“making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided to a user equipment ... wherein said access network is located between the user equipment and the gateway,”* as recited in independent claim 54, and similarly recited in independent claims 58 and 62.

With respect to “*enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network, wherein said access network is located between the user equipment and the gateway,*” as recited in independent claim 1, the Office Action correctly concluded that Widegren fails to disclose, or suggest, the aforementioned element.

Furthermore, Sevanto does not cure the deficiencies of Widegren. Sevanto discusses a packet-switched network including a user equipment (UE) 101, a mobile station (MS) 102, a UMTS Terrestrial Radio Access Network (UTRAN) 106, a core network (CN) 107, a Base Station Subsystem (BSS) 108, a Mobile Switching Centre (MSC) 109, a Serving GPRS Support Node (SGSN) 110 and 111, and a Gateway GPRS Support Node (GGSN) 112. (See Sevanto at page 1, lines 8-33; Figure 1).

Sevanto further discusses that at step 201, the MS transmits an Activate PDP Context Request message. The message includes an Access Point Name (APN) 304, which is defined by Sevanto as a logical name referring to an external packet data network that a subscriber wishes to connect to. (See Sevanto at page 6, lines 11-14). At step 202, the BSS routes the Activate PDP Context Request message to the current SSGN. At step 203, the SGSN receives the Activated PDP Context Request message and at step 204 the SGSN selects the GGSN based on records of a Home Location Register (HLR) and/or the APN and transmits a Create PDP Context Request message. (See Sevanto at page 7, line 33 – page 8, line 3).

The Office Action took the position that the APN field of Sevanto discloses the “*type of the access network*,” of independent claim 1, and thus, implicitly, took the position that the external packet data network discussed in Sevanto discloses the “*access network*,” of independent claim 1. (See Office Action at page 2). However, independent claim 1 recites that the access network “*is located between the user equipment and the gateway*.” In contrast, Sevanto discusses that the external packet data network refers to a network downstream of the GGSN 112, as shown in Figure 1. In other words, the external packet data network is not between the MS 102 and the GGSN 112. Instead, the GGSN 112 is between the MS 102 and the external packet data network. Specifically, Sevanto discusses that once the GGSN receives the message at step 206, the GGSN decides to provide the service by itself or selects an external service provider based on the APN. (See Sevanto at page 8, lines 32-36). Thus, Sevanto fails to disclose a traffic flow control policy decided on the basis of information regarding the type of the access network, where the access network is located between a user equipment and the gateway. Therefore, Sevanto fails to disclose, or suggest, the aforementioned element of independent claim 1.

Finally, while each of the claims of the present application have their own scope, Applicants respectfully submit that the arguments described above with respect to independent claim 1 also apply to independent claims 25-26, 31, 34, 54, 58, and 62.

Therefore, for at least the reasons discussed above, the combination of Widegren and Sevanto fails to disclose, teach, or suggest, all of the elements of independent claims

1, 25-26, 31, 34, 54, 58, and 62. For the reasons stated above, Applicants respectfully request that this rejection be withdrawn.

Claims 2-12, 20-23, and 51 depend upon independent claim 1. Claims 34-46 and 53 depend upon independent claim 31. Claims 55 and 57 depend upon independent claim 54. Claims 59 and 61 depend upon independent claim 58. Thus, Applicants respectfully submit that claims 2-12, 20-23, 34-46, 51, 53, 55, 57, 59, and 61 should be allowed for at least their dependence upon independent claims 1, 31, 54, and 58, respectively, and for the specific elements recited therein.

The Office Action rejected claims 56 and 60 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Widegren in view of Sevanto, and further in view of Pecen (U.S. Publication No. 2003/0040297) (“Pecen”). The Office Action took the position that the combination of Widegren and Sevanto discloses all the elements of the claims with the exception of “inquiry for subscription to a separate database.” The Office Action then cited Pecen as allegedly curing the deficiencies of Widegren and Sevanto. Applicants respectfully submit that said claims recite allowable subject matter for at least the following reasons.

Widegren and Sevanto are described above. Pecen discusses an architecture and method architecture for providing realtime cost information to communications applications. A communication transaction is selected at a user equipment. A transaction cost request is communicated from the application to a communication server. In response, the server communicates a cost to the UE. The cost may be based on

subscription profile information obtained from a source and/or from information obtained from a content provider. (see Pecen at Abstract).

Claims 56 and 60 depend upon independent claims 54 and 58, respectively. As discussed above, the combination of Widegren and Sevanto does not disclose, teach, or suggest all of the elements of independent claims 54 and 58. Furthermore, Pecen does not cure the deficiencies in Widegren and Sevanto, as Pecen also does not disclose, teach, or suggest, at least, *“making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided to a user equipment ... wherein said access network is located between the user equipment and the gateway,”* as recited in independent claim 54, and similarly recited in independent claim 58. Thus, the combination of Widegren, Sevanto, and Pecen does not disclose, teach, or suggest all of the elements of claims 56 and 60. Additionally, claims 56 and 60 should be allowed for at least their dependence upon independent claims 54 and 58, respectively, and for the specific elements recited therein.

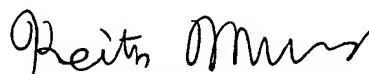
The Office Action indicated that claims 11 and 48-50 would be allowable if rewritten to include all of the limitations of the base claims and any intervening claims. Applicants respectfully submit that claims 11, 48, and 50 depend upon independent claim 1, claim 49 depends upon independent claim 31, and that claims 11 and 48-50 should be allowed in their current form for at least their dependence upon independent claims 1 and 31, respectively, and for specific elements recited therein. Accordingly, it is respectfully requested that claims 11 and 48-50 be allowed.

For at least the reasons discussed above, Applicants respectfully submit that the cited prior art references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-12, 14, 20-23, 25-26, 31, and 34-62 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Keith M. Mullervy
Registration No. 62,382

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Vienna, Virginia 22182-6212
Telephone: 703-720-7800
Fax: 703-720-7802

KMM:sew